

# F.A.R. PART 150

## Noise Compatibility Program Checklist - Part II

### **I. Identification and Submission of Program**

A. A submission needs to be properly identified as a noise compatibility program submitted under Part 150, or as noise exposure maps and a noise compatibility program submitted under Part 150 if these are submitted together. If it is a revision to a previously approved program, it needs to be so identified. (First time program submissions do not need to be specifically identified as such.)

B. The airport name and the airport operator's name need to be identified. Under ASNA and Part 150, a noise compatibility program must be submitted by the operator of a public use airport, including heliports.

(A and B) It is desirable to have the above information on the cover page of the submission. However, there is no format specified in the regulation, so it is acceptable to otherwise present this information so long as it is included and clearly understandable.

C. In addition, in order to verify that the submission has come to FAA from the airport operator, instead of another party, the submission must be accompanied by a cover letter from the airport operator. The airport operator's letter should clearly identify the submission as a Part 150 submission for appropriate FAA determinations (as opposed to a preliminary or partial submission of material for FAA informal advice).

### **II. Consultation**

A. ASNA and Part 150 have some very specific consultation and public participation requirements. 150.23(e)(4) requires a narrative description of the public participation and the consultation carried out with respect to the noise compatibility program. This narrative must include the information described below. (If noise exposure maps and a noise compatibility program are submitted together, it is preferable, but not required, for the consultation requirements to be documented in one section of the Part 150 submission and to cover both map and program consultation requirements.)

B. The program documentation must clearly identify the various consulted parties. Under 150.23(c), the parties to be consulted by the airport operator are: FAA officials, state officials, public and planning agencies within the Ldn 65 dB, other Federal officials having local responsibility for land uses within the Ldn 65 dB, air carriers, and other aircraft operators to the extent practicable. Public and planning agencies are to be identified by name, and the names are expected to correspond to those indicated with respect to the noise exposure maps in accordance with A150.105.

C. In accordance with 150.23(d), the program documentation must show that the airport operator has afforded adequate opportunity for the active and direct participation of the above consulted parties and the general public prior to and during the development of the noise compatibility program and prior to the submission of the program to FAA. This includes adequate opportunity for those parties to submit views, data, and comments on the formulation and adequacy of the program. The program documentation is not

supposed to simply state that adequate opportunity has been afforded; a description (referring back to 150.23(e)(4)) of what has been done is required.

It is important for the narrative description to indicate that the required parties were given the opportunity to participate and to have input; that the participation opportunity offered was one of substance, involving an active role and a real opportunity for input to program considerations; and that the timing of the participation opportunity met the requirements of the rule (i.e., beginning at the earliest stages of the program's commencement). Active, direct, and early participation is most often accomplished through the creation of Part 150 advisory committees or task forces established before the study gets underway. However, the Part 150 regulation does not specify any particular participation vehicle, such as a task force; it allows flexibility on the part of the airport operator on how to meet consultation/participation requirements. An active, direct participation role and an opportunity for substantive input does not include any requirement for the airport operator to let participants vote on recommended program measures or otherwise have an equal role with the airport operator in making determinations on which alternatives to recommend for implementation. Neither is unanimity of opinion required in the consultation process.

With respect to "other aircraft operators using the airport" and to the "general public," reasonable and fair representative participation to the extent practicable is expected not that every aviation user or every member of the public must be allowed to actively participate on an advisory committee or task force. However, all written comments from any party are to be received and considered in accordance with 150.23(e)(7), as elaborated on below. The consultation requirements of Part 150 are not deemed to be flawed because a party or parties declines to participate so long as there is evidence in the documentation that adequate opportunity to participate was extended by the airport operator.

D. The program documentation must include evidence that the airport operator provided notice and an opportunity for a public hearing on the noise compatibility program, in accordance with the December 30, 1987, amendment to ASNA that was included in the Airport and Airway Safety and Capacity Expansion Act of 1987. The only timing specified for this requirement is that it take place prior to submission of the program to FAA.

E. 150.23(e)(7) requires the documentation to include a summary of the comments at any public hearing and a copy of all written material submitted to the airport operator under 150.23(c) and (d). This section of the regulation further requires the airport operator to include with the Part 150 documentation the operator's responses and disposition of both verbal comments at any hearing and of written comments.

F. 150.23(c) states that consultation with FAA shall include, to the extent practicable, informal agreement from FAA on proposed new or modified flight procedures. The program documentation should indicate instances in which consultation with FAA has produced any such agreements. Omission of information on this point presumes that there are none.

### **III. Noise Exposure Maps** (This section is not a substitute for the Noise Exposure Map checklist. It deals with maps in the context of the Noise Compatibility Program submission.)

A. 150.23(e)(1) and B150.3(a) require the noise compatibility program to include a copy of the noise exposure maps and supporting documentation in compliance with applicable requirements of 150.21. If noise exposure maps and a noise compatibility program were submitted separately to FAA, the airport operator may incorporate the previously

complying maps into the program by reference (assuming that the maps are still valid and do not require revision under 150.21(d)). The program documentation should clearly indicate that the maps have previously been found in compliance with Part 150 by the FAA. An indication of the date of FAA's compliance determination is desirable, but not required. If noise exposure maps and a noise compatibility program are submitted together, this should also be clearly indicated. In this case, the FAA reviewer will review the maps for compliance with Part 150 using the noise exposure map checklist and will concurrently perform a preliminary review of the noise compatibility program using the program checklist. Complying noise exposure maps are a prerequisite to starting the 180 day review period for the program.

B. Normally, the airport operator's 5 year noise exposure map is based on the 5 year noise compatibility program assumptions. If this is not the case, the airport operator may submit a revised 5 year noise exposure map with the noise compatibility program in accordance with B150.3(b). (It will be necessary to do so if projected changes are significant under the terms of 150.21(d).) It is also possible, although not likely, that an existing condition map will be revised in a program. Revisions to noise exposure maps must meet the same requirements as initial submissions. The FAA, however, does not require an additional two stage map and program process, but may find the revised maps in compliance with Part 150 under the provisions in 150.35(f) at the time that the noise compatibility program is approved. The airport operator's cover letter should include any request for the FAA to make new map compliance findings upon approval of the program.

C. The Part 150 regulation does not specifically require the submission of additional noise exposure maps beyond the existing condition and 5 year maps. However, airport operators may find that the analysis of particular alternatives in a noise compatibility program is best done with noise contour mapping over noncompatible land uses and may optionally include additional maps in the program. With certain alternatives, mapping may be critical to the analysis in support of a particular Part 150 program standard and may specifically be requested by the FAA reviewer. In analyzing alternatives using noise modeling, the airport operator must use either the FAA's Integrated Noise Model (or the Heliport Noise Model for heliports) or an FAA approved equivalent in accordance with Part 150. All FAA approved equivalent methodology must be approved by AEE. Noise monitoring may be used in developing noise compatibility programs (but monitoring is not required for either maps or programs under Part 150). Whenever noise monitoring is used, it should be accomplished in accordance with A150.5.

D. If a noise compatibility program includes multiple maps, the airport operator must clearly indicate which map is the existing condition noise exposure map and which is the 5 year noise exposure map prepared in compliance with Part 150.

#### **IV. Consideration of Alternatives**

A. At a minimum, each noise compatibility program must consider the alternatives listed below pursuant to B150.7(b). The consideration of additional alternatives is optional.

(1) Acquisition of land and interests therein, including, but not limited to air rights, easements, and development rights, to ensure the use of property for purposes which are compatible with airport operations. (2) The construction of barriers and acoustical shielding, including the soundproofing of public buildings.

(3) The implementation of a preferential runway system.

(4) The use of flight procedures (including the modifications of flight tracks) to control the operation of aircraft to reduce exposure of individuals (or specific noise sensitive areas) to noise in the area around the airport.

(5) The implementation of any restriction on the use of an airport by any type or class of aircraft based on the noise characteristics of those aircraft. Such restrictions may include, but are not limited to the following list. It is not necessary for all of these potential restrictions to be examined in each noise compatibility program, so long as a program gives consideration to at least one type of restriction.

(i) Denial of use of the airport to aircraft types or classes which do not meet Federal noise standards;

(ii) Capacity limitation based on the relative noisiness of different types of aircraft;

(iii) Requirement that aircraft using the airport must use noise abatement takeoff or approach procedures previously approved as safe by the FAA;

(iv) Landing fees based on FAA certificated or estimated noise emission levels or on time of arrival; and

(v) Nighttime restrictions.

(6) Other actions or combinations of actions which would have a beneficial noise control or abatement impact on the public.

(7) Other actions recommended for analysis by the FAA for the specific airport.

B. In accordance with B150.7(a), the program must indicate into which category each considered alternative would fall with respect to which entity has implementation authority; i.e., the airport operator, a local agency or political subdivision governing body, a state agency or political subdivision governing body, the FAA, another Federal agency, others.

C. 150.23(e)(2) requires a description and analysis of the considered alternative measures and a discussion of why specific alternatives were rejected for inclusion in the airport operator's final noise compatibility program. There should be sufficient description of each alternative to provide a clear understanding of it. The amount of analysis is expected to vary with the alternative and with the amount of local interest in pursuing particular alternatives. The analytical requirements for alternatives that are recommended to be part of the noise compatibility program are detailed in the section below. Generally, there is no specified analytical detail in the regulation for rejected alternatives. Reasons presented in the airport operator's documentation for rejecting alternatives should appear reasonable (i.e., not arbitrary and capricious), should not be based on faulty technical analysis, and should not be based on flawed conclusions (e.g., that a particular alternative is illegal, when it is not). The FAA reviewer may comment, if this is the case, that rejected alternatives must either be more clearly described, or more accurately analyzed technically, or that they have been rejected for incorrect reasons before accepting the airport operator's documentation for the 180 day review period.

D. One of the categories of alternatives that is required to be considered by the airport operator under B150.7(b)(7) is "other actions recommended for analysis by the FAA for the specific airport." Although it is expected that FAA recommendations in this regard would usually take place during the consultation process, it may also occur at this point in the process. The FAA may recommend a new alternative which was not previously considered or a variation of an alternative which was considered and rejected. The consideration of any FAA alternative recommended at this time would have to be added to the documentation before the start of the 180 day review period.

## **V. Alternatives Recommended for Implementation**

A. The program documentation must clearly indicate which alternatives are recommended for implementation. These must be recommended by the airport operator not by the consultant or another party. (While the Part 150 regulation, the FAA, and other consulted parties may recommend the consideration of specific alternatives, it is clear under the Act and the regulation that the airport operator has the sole final prerogative to determine which alternatives to reject and which to recommend in the noise compatibility program. If the consultant or another party recommends an alternative for implementation, that alternative must also be clearly recommended by the airport operator.)

B. Every recommended alternative must relate directly or indirectly to the reduction of noise and noncompatible land uses. 150.23(e)(3) requires a description of the relative contribution of each of the proposed measures to the overall effectiveness of the program. This description may be in narrative form and may be brief. Beyond this, the Part 150 regulation also calls for quantification of noise/land use benefits. For alternatives which lend themselves to quantification, the documentation is required under 150.23(e)(5) to include the actual or anticipated effect on reducing noise exposure to individuals and noncompatible land uses and preventing the introduction of additional noncompatible uses within the area covered by the noise exposure map. Quantified effects must be based on relevant expressed assumptions concerning the type and frequency of aircraft operations, number of nighttime operations, flight patterns, airport layout including planned airport development, planned land use changes, and demographic changes within the Ldn 65 dB. If overall numbers of people exposed to significant noise levels and overall amounts of noncompatible land uses are being or will be reduced through the implementation of the noise compatibility program, the program is determined to meet the ASNA and Part 150 standard in this regard, even though it is possible that specific areas around an airport may experience an increase in noise.

The FAA reviewer should comment on any recommended alternative which does not appear to have a clear direct or indirect noise/land use benefit and request the airport operator to provide additional supporting data or consider removing the recommendation from the Part 150 program. (The most common recommendation of this sort has been runway development proposals for capacity or other reasons.) If the airport operator neither removes the recommendation nor adequately supplements the analysis, the FAA may start the 180 day review period, but will likely disapprove the recommendation for Part 150 purposes or disapprove it pending the submission of additional information.

The FAA reviewer should also comment on any apparently faulty or questionable assumptions and on any lack of descriptive and quantified benefits before starting the 180 day review period. Whether deficiencies in the documentation will preclude the start of the 180 day review period if left uncorrected will depend on the extent of the deficiencies. We recommend consultation with APP 600 on this type of issue.

C. Under 150.23(e)(2), the extent of analysis will vary among alternatives and largely depends upon the nature and complexity of the alternative and the Part 150 program standards which are applicable to the alternative. Program standards are listed under 150.35(b) and B150.5. B150.5 indicates that it is the airport operator's responsibility to develop a noise compatibility program which meets Part 150 program standards, including the analysis to back it up. The FAA reviewer should read each of the recommended alternatives and alert the airport operator to any alternative which is clearly not approvable, to the extent this can be determined without more detailed analysis on FAA's part, because the alternative is insufficiently analyzed or obviously violates a Part 150 program standard. (It is not intended that this FAA review will be as thorough as the substantive review during the 180 days or that it be a substitute for the later review, but it is possible to catch some readily apparent problems with recommendations during this early stage with minimal extra review effort.) If the airport operator will not make program adjustments at this point, the FAA may start the 180 day review period, but will likely disapprove the recommendation(s) in question.

D. If a program recommends a significant airport use restriction, a thorough analysis of alternatives with potentially significant noise/compatible land use benefits (including alternatives that may have been rejected from inclusion in the final program) is critical in order for the FAA to determine whether the use restriction is reasonably related to the need to reduce noise over noncompatible land uses, would not pose an undue burden to interstate and foreign commerce, and would meet both local needs and needs of the national air transportation system to the extent practicable. The FAA reviewer should indicate to the airport operator situations in which the lack of sufficient analysis of alternatives or the lack of consideration of beneficial alternatives in the program is likely to result in the FAA's disapproval of a recommended restriction pending the submission of additional information. Any use restriction should be coordinated with APP 600 before the region makes a determination on the sufficiency of the documentation for the 180 day review period.

E. There are no exceptions to the analytical requirements and the program standards imposed by Part 150. If airport operators submit recommendations which are continuations of past practices, these must meet the same analytical requirements and program standards as new recommendations. If airport operators or city councils change recommendations or propose additional recommendations at the end of the Part 150 process, these recommendations must also be appropriately analyzed and subjected to consultation.

F. Under 150.23(e)(6), the documentation must indicate how, if at all, the recommended alternatives may change any noise control plans or actions or land use compatibility plans previously adopted.

G. 150.23(e)(8) and B150.7(c) require the identification of the agency or agencies responsible for the implementation of each recommended alternative. B150.7(c) further requires an indication of whether those agencies have agreed to the implementation. 150.23(e)(8) requires the documentation to include any essential governmental actions that will be necessary in order to implement specific alternatives.

H. 150.23(e)(8) and B150.7(c) require the inclusion of an approximate agreed upon schedule within which the program alternatives will be implemented. This information should sufficiently address the requirement in 150.23(e)(8) to indicate the period covered by the program, which may be longer than the 5 year timeframe of the noise exposure maps.

I. 150.23(e)(8) requires an indication of the costs of the recommended alternatives and anticipated sources of funding.

## **VI. Program Revision**

150.23(e)(9) requires the documentation to include some provision for revising the program if made necessary because of revision of the noise exposure maps. It is sufficient for the document simply to state that the program will be reconsidered for potential revision if necessary because of noise exposure map revision. More detailed or elaborate conditions for revising a program are optional.